

To: Hough, Palmer[Hough.Palmer@epa.gov]; Moulta-Ali, Abu[Moulta-Ali.Abu@epa.gov]
From: Pendergast, Jim
Sent: Wed 6/25/2014 2:02:12 PM
Subject: RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm
[AX-14-001-1153 Wiggins.pdf](#)

Ex. 5 - Deliberative

From: Hough, Palmer
Sent: Wednesday, June 25, 2014 9:47 AM
To: Pendergast, Jim; Moulta-Ali, Abu
Subject: FW: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

From: Hough, Palmer
Sent: Wednesday, June 25, 2014 9:30 AM
To: Loop, Travis; Holsman, Marianne; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim
Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff
Subject: RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

Ex. 5 - Deliberative

From: Loop, Travis

Sent: Tuesday, June 24, 2014 7:29 PM

To: Holsman, Marianne; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim; Hough, Palmer

Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff

Subject: Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

Travis Loop
Director of Communications
Office of Water
U.S. Environmental Protection Agency

202-870-6922

From: Holsman, Marianne

Sent: Tuesday, June 24, 2014 3:55:10 PM

To: Loop, Travis; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim

Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff

Subject: RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

206.553.1237 desk

206.450.5895 cell

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From: Loop, Travis

Sent: Tuesday, June 24, 2014 12:03 PM

To: Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Holsman, Marianne; Pendergast, Jim

Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff

Subject: Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

Travis Loop
Director of Communications
Office of Water
U.S. Environmental Protection Agency
202-870-6922

From: Wester, Barbara
Sent: Tuesday, June 24, 2014 2:57:39 PM
To: Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy
Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Loop, Travis
Subject: RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Attorney Client

From: Cassell, Peter
Sent: Tuesday, June 24, 2014 1:54 PM
To: Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Wester, Barbara
Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Loop, Travis
Subject: Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

From: Cannon, Phillippa
Sent: Tuesday, June 24, 2014 1:51:54 PM
To: Rowan, Anne; Swenson, Peter; Cassell, Peter; Melgin, Wendy; Wester, Barbara
Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff
Subject: RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

Ex. 5 - Deliberative

From: Rowan, Anne

Sent: Tuesday, June 24, 2014 1:21 PM

To: Swenson, Peter; Cassell, Peter; Melgin, Wendy; Wester, Barbara

Cc: Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Cannon, Phillippa

Subject: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) --deadline today at 3pm

Ex. 5 - Deliberative

Anne Rowan, Chief

Public Affairs Section

Office of External Communications

U.S. EPA Region 5, Chicago

rowan.anne@epa.gov

312-353-9391

From: Swenson, Peter

Sent: Tuesday, June 24, 2014 1:07 PM

To: Cassell, Peter; Melgin, Wendy

Cc: Rowan, Anne; Singer, Joshua; Deamer, Eileen

Subject: RE: Ojibwe request to EPA under 404(c)

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Peter Swenson (WW-16J)

Chief, Watersheds and Wetlands Branch

U.S. Environmental Protection Agency, Region 5

77 West Jackson Boulevard

Chicago, Illinois 60604

312-886-0236

swenson.peter@epa.gov

From: Cassell, Peter

Sent: Tuesday, June 24, 2014 10:39 AM

To: Swenson, Peter; Maraldo, Dean

Cc: Rowan, Anne; Singer, Joshua; Deamer, Eileen

Subject: Fw: Ojibwe request to EPA under 404(c)

Ex. 5 - Deliberative

From: Ben Meyer <bmeyer@wjfw.com>

Sent: Tuesday, June 24, 2014 9:15:57 AM
To: Cassell, Peter
Subject: Ojibwe request to EPA under 404(c)

Hi Peter,

Thanks for your help on the phone a moment ago. Attached is the letter sent by the Ojibwe tribes to the EPA asking the agency to use its authority under Section 404(C) of the Clean Water Act to stop mine permitting activities in northern Wisconsin. I did find a fact sheet about 404(C) "veto" authority on the EPA website, but I want to make sure I understand it fully. Specifically, I see that the formal process starts when the EPA Regional Administrator makes the determination to issue a public notice of a Proposed Determination to withdraw, prohibit, deny, or restrict the specification of a defined area for discharge of dredged or fill material. I'm interested in learning *how* the Regional Administrator makes that determination, *what the timeline* for that is, and *what factors* go into making that determination. I'd also like someone to walk me through the "Veto" process if that determination is made.

Moreover, not in their letter, but in anecdotal conversations, Ojibwe leaders have referenced the Pebble Mine in Alaska as a template for the EPA using 404(C) to stop a project. If I could talk to someone with knowledge of that issue, I'd appreciate it.

Ideally, I'd love to do a video Skype or phone interview. My deadline is 3pm today. Please be in touch via email or the phone number below. Thank you for your help!

Best,

Ben

Ben Meyer
Newswatch 12 WJFW-TV

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